

**Ohio EPA Policy on Implementation of Executive Order 2008-04S
Regarding Paperwork/Procedural Violations**

Paragraph 5(f) of Executive Order 2008-04S “Implementing Common Sense Business Regulation” (eff. 2/12/08) provides as follows:

“Agencies should, when appropriate, waive penalties for first-time or isolated paperwork or procedural regulatory non-compliance. Each cabinet agency, board and commission shall prepare and publish on its website, a policy describing the circumstances in which such waivers shall be granted.”

In accordance with EO 2008-04S, Ohio EPA will generally not seek a civil or administrative financial penalty for first-time or isolated paperwork/procedural violations which do not result in any harm or threat of harm to the environment or public health. For purposes of this policy, an “isolated” violation is one which does not occur in conjunction with or is not related to other more substantive violations.

Ohio EPA, however, reserves the right, when appropriate, to send notices of violation or to take other appropriate enforcement measures relating to first-time or isolated paperwork/procedural violations, but generally shall not seek civil or administrative penalties for such violations.

The failure to obtain necessary permits or approvals prior to engaging in regulated activity is a substantive violation and does not constitute a “paperwork or procedural violation” covered by this policy.